

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ANGELA DAWN HOLBERT,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-11550

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff's Complaint seeking judicial review of the decision of the Acting Commissioner of Social Security, Carolyn W. Colvin ("Commissioner"). (ECF No. 2.) On July 29, 2015, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings and recommendations for disposition ("PF&R"). (ECF No. 4.) Magistrate Judge Eifert filed her PF&R, (ECF No. 15), on June 9, 2016, recommending that this Court reverse the final decision of the Commissioner and remand this matter pursuant to sentence four of 42 U.S.C. § 405(g).

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).


Objections to the PF&R in this case were due on June 27, 2016. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 15), **GRANTS** Plaintiff's request for judgment on the pleadings, (ECF No. 10), to the extent that it requests remand of the Commissioner's decision, **DENIES** the Commissioner's request for judgment on the pleadings, (ECF No. 13), **REVERSES** the final decision of the Commissioner, **REMANDS** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, and **DISMISSES** this action from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 15, 2016



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE